

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17468 of 2025

Arising Out of PS. Case No.-472 Year-2021 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Md. Tahir @ Md. Tahir Arman, Son of Md. Alauddin @ Md. Alauddin Arman, Resident of Village - New Colony Dharampur, Police Station - Samastipur Town, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Belal Raza, Son of Wasim Raza, Resident of Village - Satmalpur, Police Station - Warisnagar, District - Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate
Mr.Aryan Singh, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Complaint Case No. 472 of 2021, registered for the alleged offence under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act, however, cognizance has been taken under Section 326 of the Indian Penal Code.

3. As per the prosecution case, the petitioner has been made accused on the basis of protest-cum-complaint petition of opposite party no.2 with allegation that the petitioner and other



co-accused persons under a conspiracy fired upon opposite party no.2 and the shot hit the opposite party no.2 in his right shoulder. The occurrence took place in the background of the fact that co-accused Samina Khatoon took a loan of Rs. 2 lacs from the opposite party no.2 and in order to grab that money, they made an attempt on the life of opposite party no.2.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Earlier opposite party no. 2 filed Warisnagar P.S. Case No. 36 of 2020 with the allegation that two persons fired upon him and fled away. But police after investigation submitted closure report finding the case true but clueless. The learned trial court accepted the closure report but proceeded on the protest-cum-complaint petition of the opposite party no.2. The learned counsel further submits that in the FIR, the opposite party no.2, who was the informant, did not name this petitioner and only named two persons each riding two motorcycles came before the informant and one of them fired upon them and motorcycle born miscreants fled away from the spot but in the protest-cum-complaint petition, the informant/opposite party no.2 introduced new version and named the petitioner and other co-accused persons and, even during investigation, no material came up



against the petitioner. Once the informant/opposite party no.2 has stated that at the time of occurrence, he did not identify the accused persons, subsequent implication becomes suspect for the reason that the petitioner is well known to the informant as they have been working with the same political party. The learned counsel further submits that even the police did not find any incriminating material against the petitioner. The learned counsel further submits that co-accused Samina Khatoon has been granted anticipatory bail by the learned trial court vide order dated 10.05.2023 passed in ABP No. 684 of 2023. The petitioner is having antecedent of two cases and he is on bail in both the cases.

5. Learned APP opposes the submission made on behalf of the petitioner. The learned APP submits that in this protest-cum-complaint petition, the opposite party no.2 has specifically named this petitioner for opening fire upon the informant/opposite party no.2.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation in the background of change in the allegation of the opposite party no.2 in protest petition and also considering the possibility of false implication, let the petitioner



above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur, in connection with Complaint Case No. 472 of 2021, subject to the conditions as laid down under Section 482(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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